

**UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

David J. Smith  
Clerk of Court

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March 12, 2019

Clerk - Southern District of Georgia  
U.S. District Court  
125 BULL ST  
PO BOX 8286  
SAVANNAH, GA 31402

Appeal Number: 18-15135-B  
Case Style: Elijah Sampson v. USA  
District Court Docket No: 4:16-cv-00016-WTM-BKE  
Secondary Case Number: 4:12-cr-00018-WTM-BKE-1

**LIMITED REMAND**

Enclosed is a copy of an order remanding the referenced appeal for further proceedings.  
**JURISDICTION OF THIS APPEAL IS BEING RETAINED BY THE ELEVENTH CIRCUIT.**

This case will be held in abeyance and monitored in the Eleventh Circuit pending disposition of remand proceedings in your court.

Upon completion of remand proceedings, please promptly send a copy of the ORDER ON REMAND to this court.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Craig Stephen Gantt, B/bmc  
Phone #: 404-335-6135

CLK-3 DC Letter with Ltd Remand order

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 18-15135-B

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ELIJAH AKEEN SAMPSON,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Southern District of Georgia

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Before: WILLIAM PRYOR and NEWSOM, Circuit Judges.

BY THE COURT:

This appeal is REMANDED, *sua sponte*, to the district court for a factual determination as to when Elijah Sampson delivered his *pro se* notice of appeal to prison authorities for mailing. *See* Fed. R. App. P. 4(a)(1)(B), (c)(1); *United States v. Glover*, 686 F.3d 1203, 1205 (11th Cir. 2012); *Sanders v. United States*, 113 F.3d 184, 186 & n.2 (11th Cir. 1997). In the instant notice of appeal, Sampson provided a signed date of January 9, 2018, as the date that he mailed the notice of appeal. However, the district court did not docket the notice of appeal until December 10, 2018, and the envelope containing the notice of appeal bore a postmark indicating that it was sent on December 4, 2018. The determination of the date that a *pro se* prisoner delivered his notice of appeal to prison authorities for mailing is a factual question for the district

court to resolve on remand. *Sanders*, 113 F.3d at 186 n.2. Upon making its determination, the district court shall return the record, as supplemented, to this Court for further proceedings.